

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

SHERMAN DIVISION

DATE: 9/12/2017

DISTRICT JUDGE

COURT REPORTER: Jan Mason

Amos L. Mazzant, III

COURTROOM DEPUTY: Debbie McCord

Tech Pharmacy vs. Alixa, et al	4:15cv766

ATTORNEYS FOR PLAINTIFFS	ATTORNEYS FOR DEFENDANTS
Jennifer Fleury, Mike Jones, Cristina Rodriguez, Maria Boyce, Jeff Whittle, Jay Yates; Tara Trask (Paralegal); Jim Moncrief (Corp. Rep)	Wes Hill, Brett Johnson, Tom Melsheimer, Renee Skinner, Danielle Williams, Michael Bittner, Blake Griese, Ron Silva, Larry Deans, Pam Roberts

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

TIME:	MINUTES: JURY TRIAL - DAY 12
8:34 am	Court is in session, jury seated.
8:35 am	Defendant witness: Greg Smith, sworn in. Direct by Mr. Johnson
9:04 am	Bench conference.
	Objection is sustained.
9:08 am	Direct examination resumes.
	Cross and redirect.
10:01 am	Recross and redirect.
10:08 am	Witness testimony concluded. Bench conference.
10:12 am	Court reads jury questions to witness.
	Follow up questions by counsel.
10:22 am	Witness steps down, Jury in recess for break.
10:23 am	Court in recess for break.
10:40 am	Court in session.

TIME:	MINUTES: JURY TRIAL - DAY 12
10:41 am	Defense witness: Roger Carlile, sworn, in. Direct examination by Ms. Williams.
11:21 am	Bench conference.
11:28 am	Direct resumes.
11:34 am	Cross examination.
12:02 pm	Jury in recess for lunch.
12:04 pm	Court in recess for lunch.
1:15 pm	Court in session.
	Mr. Bittner addresses objections, with response of Mr. Yates.
	Court issued rulings.
1:27 pm	Jury in and seated.
	Cross examination resumes.
1:52 pm	Redirect.
1:55 pm	Witness testimony concluded.
	Bench conference.
1:59 pm	Court reads questions to witness.
2:07 pm	Follow up by Ms. Williams and Mr. Jones.
	Witness is fully excused.
2:09 pm	Defense witness: David Barr via video deposition.
2:45 pm	Plaintiff's portion of video deposition.
2:51 pm	Defendants rest.
	Plaintiff rebuttal witness: Dr. Michael Metzker, previously sworn. Direct examination by Ms Boyce.
3:19 pm	Court in recess for afternoon break.
3:37 pm	Court in session, jury seated. Direct examination continues.
4:36 pm	Cross examination by Mr. Hill.
5:32 pm	Witness testimony concluded.

TIME:	MINUTES: JURY TRIAL - DAY 12
	Jury questions for witness.
	Bench conference.
5:38 pm	Jury questions for witness.
	Follow up questions by Ms. Boyce and Mr. Hill.
5:50 pm	Plaintiff rests. Both sides close.
5:52 pm	Jury in recess until 9:00 a.m. on Thursday.
	Court addresses counsel, Rule 50 motions will be filed by 7 am tomorrow morning. Charge conference to follow.
	Bifurcation issue discussed.
	Parties will have an hour for closing arguments.
	Court will convene at 8:30 a.m. tomorrow.
5:59 pm	Court is in recess.

DAVID O'TOOLE, CLERK

BY: Debbie McCord
Courtroom Deputy Clerk